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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT DEVON BARBER,

Defendant.

Case No. 2:21-cr-275-RFB-NJK

**STIPULATION FOR PRE-SENTENCE  
PAYMENT TOWARD RESTITUTION**

The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the pre-sentence deposit of funds to be withdrawn and applied toward defendant Robert Devon Barber's restitution amount in this matter at the time judgment is entered. The stipulation is based on the following:

1. On October 9, 2020, defendant Robert Devon Barber was charged by way of a criminal complaint with one count of Conspiracy to Effect Illegal Transactions with Access Devices, in violation of 18 U.S.C. § 1029(b)(2), and one count of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1). ECF No. 1.

2. On November 3, 2021, pursuant to a written plea agreement, Barber pled guilty to a one-count criminal information, charging him with one count of Conspiracy to

Effect Illegal Transactions with Access Devices, in violation of 18 U.S.C. § 1029(b)(2).  
ECF Nos. 45, 47, 49.

3. Pursuant to the Plea Agreement, Barber agreed to “surrender assets defendant obtained directly or indirectly as a result of defendant’s crimes.” ECF No. 47 at 3. Barber further agreed “to voluntarily release funds and property under defendant’s control or in which defendant has any property interest, before and after sentencing, to pay any fine or restitution identified in this agreement, agreed to by the parties, or ordered by the Court.” *Id.*

4. The parties have conferred and hereby stipulate to the pre-sentence deposit of restitution funds with the Clerk of Court, to be held until the Judgment is entered in this matter by the Court.

5. The parties seek an order directing the Clerk of Court to accept Barber’s restitution payments made before entry of the judgment. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of Barber until the time of sentencing, which is currently scheduled for November 17, 2022. Further, pursuant to 28 U.S.C. § 2042, the parties request an order that upon the entry of a criminal judgment in this case, the Clerk of Court is to withdraw and apply the deposited funds to the criminal financial obligations, including restitution, imposed against Barber in the sequence established in 18 U.S.C. § 3612(c).

6. Barber may submit payment by cash, cashier’s check, or money order made payable to “Clerk, U.S. District Court” with “2:21-cr-275-RFB-NJK” noted on each payment mailed or delivered to:

Clerk of the Court, District of Nevada  
333 Las Vegas Boulevard, South  
Room 1334  
Las Vegas, Nevada 89101

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2 WHEREFORE, the parties stipulate for an order directing the Clerk of Court to  
3 accept pre-sentence payments to be held on deposit until judgment is entered, and  
4 thereafter applied toward the criminal monetary penalties, including restitution, imposed  
5 in this matter as provided by law and in accordance with the Clerk's standard operating  
6 procedures.

7 Respectfully submitted this 25th day of May 2022.

8 JASON M. FRIERSON  
9 United States Attorney

10 /s/ Jim W. Fang  
JIM W. FANG  
Assistant United States Attorney

/s/ Damian R. Sheets  
DAMIAN R. SHEETS, ESQ.  
Counsel for Defendant Barber

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12 **IT IS SO ORDERED:**

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14 RICHARD F. BOULWARE, II  
15 UNITED STATES DISTRICT JUDGE

16 DATED: May 26, 2022  
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